

**Effective 5/12/2015**

**10-2a-305 Form of government -- Determination of council officer terms -- Hearings and notice.**

- (1) A newly incorporated town shall operate under the five-member council form of government as defined in Section 10-3b-102.
- (2) If the incorporation proposal passes, the petition sponsors shall, within 25 days of the canvass of the election under Section 10-2a-304:
  - (a) determine the initial terms of the mayor and members of the city council so that:
    - (i) the mayor and approximately half the members of the town council are elected to serve an initial term, of no less than one year, that allows their successors to serve a full four-year term that coincides with the schedule established in Subsection 10-3-205(1); and
    - (ii) the remaining members of the town council are elected to serve an initial term, of no less than one year, that allows their successors to serve a full four-year term that coincides with the schedule established in Subsection 10-3-205(2); and
  - (b) submit in writing to the county legislative body the results of the sponsors' determinations under Subsection (2)(a).
- (3)
  - (a) Before making a determination under Subsection (2)(a), the petition sponsors shall hold a public hearing within the future town on the applicable issues under Subsections (2)(a)(i) and (ii).
  - (b)
    - (i) The petition sponsors shall publish notice of the public hearing under Subsection (3)(a):
      - (A) in a newspaper of general circulation within the future town at least once a week for two successive weeks before the day of the hearing; and
      - (B) on the Utah Public Notice Website, created in Section 63F-1-701, for two weeks before the day of the hearing.
    - (ii) The last publication of notice under Subsection (3)(b)(i)(A) shall be at least three days before the day of the public hearing under Subsection (3)(a).
  - (c)
    - (i) In accordance with Subsection (3)(b)(i)(A), if there is no newspaper of general circulation within the future town, the petition sponsors shall post at least one notice of the hearing per 1,000 population in conspicuous places within the future town that are most likely to give notice of the hearing to the residents of the future town.
    - (ii) The petition sponsors shall post the notices under Subsection (3)(c)(i) at least seven days before the day that the hearing is held under Subsection (3)(a).

Repealed and Re-enacted by Chapter 111, 2015 General Session  
Renumbered and Amended by Chapter 352, 2015 General Session